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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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RICKY M. ARNTSEN,

11   Plaintiff,

CASE NO. 3:24-CV-5511-BHS-DWC

         v.

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STATE OF WASHINGTON, et al.,

ORDER DENYING IFP AND
GRANTING REQUEST TO SERVE

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                              Defendant.

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15   The District Court has referred this 42 U.S.C. § 1983 action filed by Plaintiff Ricky M.

16   Arnsten to United States Magistrate Judge David W. Christel. Presently pending before the Court

17   are Plaintiff's Applications for Leave to Proceed *In Forma Pauperis* (IFP) and Motions and

18   Requests for Order and Execution of Personal Service of Summons and Complaint. Dkts. 10, 11,

19   12, 15.[1]

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23   [1] Plaintiff has also filed a Motion to Remand this Case Back to State Court. Dkt. 14. The Motion to
     Remand is noted for the Court's consideration on August 16, 2024. The Court declines to rule on the Motion until
24   Defendants have an opportunity to respond.

ORDER DENYING IFP AND GRANTING
REQUEST TO SERVE - 1

1   After review of the relevant record, the Applications for Leave to Proceed IFP (Dkts. 10,

2   11) are denied as moot and the Motions and Requests for Order and Execution of Personal

3   Service of Summons and Complaint (Dkts. 12, 15) are granted.

4   **I.   Applications for Leave to Proceed IFP (Dkts. 10, 11)**

5   Defendants removed this case and paid the filing fee on June 26, 2024. Dkt. 1. Plaintiff

6   now seeks IFP status and filing fee exemptions. As the filing fee has been paid, Plaintiff's

7   Applications (Dkts. 10, 11) are denied as moot. However, Plaintiff may have filed the

8   Applications in an attempt to show his indigency so the Court will assist with service. Therefore,

9   the evidence regarding Plaintiff's indigency will remain in the record.

10   **II.   Motions and Requests for Order and Execution of Service (Dkts. 12, 15)**

11   Plaintiff also filed two Motions requesting the Court arrange and order personal service

12   on Defendants Sinclair, Boe, Armbruster, Clark, Edwards, Ineman, Stump, Evans, Jackson,

13   Haynes, Mizin, Xi'an BYD Electronics Co, Ltd, and Honeywell. Dkts. 12, 15. Plaintiff states

14   Defendants Bennet, Collecchi, Tatro, and Strange have already been personally served. Dkts. 12,

15   15.

16   Under Rule 4(c) of the Federal Rules of Civil Procedure,

17   At the plaintiff's request, the court may order that service be made by a United
18   States marshal or deputy marshal or by a person specially appointed by the court.
          The court must so order if the plaintiff is authorized to proceed in forma pauperis
19   under 28 U.S.C. §1915…

20   Fed.R.Civ.P 4(c).

21   Defendants Danielle Armbruster, Jason Bennett, Jeri Boe, Clallam Bay Corrections

22   Center, Paul Clark, Patrick Collecchi, Department of Corrections - SCCC, J Scott Edwards,

23   Shane L Evans, Ron Haynes, Linda M Ineman, Jay Jackson, Annikaa Mizin, Steven Sinclair,

    Stafford Creek Corrections Center, State of Washington, Cheryl Strange, Rhonda Stump, and

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ORDER DENYING IFP AND GRANTING
REQUEST TO SERVE - 2

Jeff Tatro ("state defendants") removed the action on June 26, 2024. Dkt. 1. In the Answer filed in the state court, the state defendants raised an affirmative defense of improper service. *See* Dkt. 3-9. As Plaintiff is in custody and lacks the funds and resources to serve the defendants, the Court finds this case warrants granting Plaintiff assistance in serving the defendants. Therefore, Plaintiff's Motions requesting the Court arrange and order personal service (Dkts. 12, 15) are granted. The Court will enter a separate order directing the Clerk's Office to send waivers of service and summons to Defendants. If the waivers are not timely returned, the Court will attempt personal service. The Court notes that counsel for the state defendants may sign and return the waivers on behalf of his clients.

III.   Conclusion

For the above stated reasons, Plaintiff's Applications to Procced IFP (Dkt. 10, 11) are denied as moot and Plaintiff's Motions and Request for Order and Execution of Personal Service (Dkts. 12, 15) are granted.

Dated this 1st day of August, 2024.

David W. Christel
United States Magistrate Judge

ORDER DENYING IFP AND GRANTING
REQUEST TO SERVE - 3